

Jan 13 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND1
2 UNITED STATES DISTRICT COURT
3
4 NORTHERN DISTRICT OF CALIFORNIA5 STEVEN WAYNE BONILLA,
6 Plaintiff,

7 v.

8 SANTA CRUZ COUNTY SUPERIOR
9 COURT et. al.,

10 Defendants.

Case Nos. [22-cv-9099-PJH](#)
[22-cv-9101-PJH](#)
[22-cv-9115-PJH](#)
[22-cv-9116-PJH](#)
[22-cv-9117-PJH](#)
[22-cv-9118-PJH](#)
[22-cv-9119-PJH](#)
[22-cv-9120-PJH](#)
[22-cv-9127-PJH](#)
[22-cv-9147-PJH](#)13 ORDER DISMISSING MULTIPLE
14 CASES WITH PREJUDICE15 Plaintiff, a state prisoner, has filed multiple pro se civil rights complaints under 42
16 U.S.C. § 1983. Plaintiff is a condemned prisoner who also has a pending federal habeas
17 petition in this court with appointed counsel. See *Bonilla v. Ayers*, Case No. 08-0471
18 YGR. Plaintiff is also represented by counsel in state court habeas proceedings. See *In*
19 *re Bonilla*, Case No. 20-2986 PJH, Docket No. 1 at 7.20 Plaintiff presents nearly identical claims in these actions. He names as
21 defendants various state superior courts and state judges. He seeks relief regarding his
22 underlying conviction or how his other cases were handled by the state and federal
23 courts.24 To the extent that plaintiff seeks to proceed *in forma pauperis* (IFP) in these cases,
25 he has been disqualified from proceeding IFP under 28 U.S.C. § 1915(g) unless he is
26 “under imminent danger of serious physical injury” at the time he filed his complaint. 28
27 U.S.C. 1915(g); *In re Steven Bonilla*, Case No. 11-3180 CW; *Bonilla v. Dawson*, Case
28

1 No. 13-0951 CW.

2 The allegations in these complaints do not show that plaintiff was in imminent
3 danger at the time of filing. Therefore, he may not proceed IFP. Moreover, even if an
4 IFP application were granted, his lawsuits would be barred under *Heck v. Humphrey*, 512
5 U.S. 477, 486-87 (1994), *Younger v. Harris*, 401 U.S. 37, 43-54 (1971), *Demos v. U.S.*
6 *District Court*, 925 F.2d 1160, 1161-62 (9th Cir. 1991) or *Mullis v. U.S. Bankruptcy Court*,
7 828 F.2d 1385, 1393 (9th Cir. 1987). Accordingly, the cases are dismissed with
8 prejudice.

9 The clerk shall terminate all pending motions and close these cases. The clerk
10 shall return, without filing, any further documents plaintiff submits in these closed cases.

11 **IT IS SO ORDERED.**

12 Dated: January 13, 2023

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15 PHYLLIS J. HAMILTON
16 United States District Judge
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